REMARKS

Claims 1 through 20 are pending in the application. Examiner maintains the previous rejection of all claims in view of *Hubbell, Kubicky, and Hansen.* Applicant traverses the rejections for the reasons set forth below.

The rejections are improper under both 35 U.S.C. §§ 102 and 103 because none of the prior art of record discloses or teaches a post in which the sleeve and core are *continuous from end to end*, as claimed in each of the independent claims. As set forth in the specification, "continuous" means it has no joints or segments interrupting the geometry, material, and mechanical properties of the post except at its ends. This continuity is achieved by co-extrusion of the sleeve and core, although it is not the exclusive means by which such continuity can be achieved (although it currently is the "best" way to do so).

The claimed invention stands in stark contrast to the foundation piling of *Hubbell*, which discloses[1] (but does not illustrate) the formation of "portals" in the conduit, which interrupts continuity of the structure. *See* Col. 7, ll. 1-7 and Col. 7, ll. 8-14 ("placement of strain gages . . . via sealable and/or resealable portals into the structure's post-tensioning conduit . . ." *See also* Col. 10, ll. 5-13). These "portals" by necessity must extend from the exterior to the interior (through the sleeve and core) and interrupt the continuity of the sleeve and core and interfere with the geometry, material, and mechanical properties of the claimed post. Although they are not "longitudinal" joints (as in *Kubicky,* discussed below, and also contemplated by *Hubbell*), the portals are discontinuities (both axially and radially) nevertheless.

Further, as a foundation piling, the *Hubbell* structure is sunk into the ground and relies upon the surrounding earth to provide support against bending loads (or other loads not compressive in nature). *Hubbell* need not concern itself with either supporting a

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[1] Similarly, *Hubbell* does not *disclose* (but only appears to illustrate) that the core and sleeve are continuous.

structure such as a highway sign unassisted by surrounding earthen formation, or with its failure mode if struck by a vehicle. It therefore would be non-analogous art to one considering the construction of a cantilevered signpost that is subjected to a wide variety of loads without external supporting structure and that preferably has certain failure characteristics if struck by a vehicle

Also, as previously noted, *Hubbell* conspicuously lacks teaching or suggestion of the use of recycled rubber in its core in addition to lacking teaching or suggestion of the continuity of the structure. None of the other cited references supply the motivation to combine their teachings with those of the non-analogous foundation piling of *Hubbell* to obtain Applicant's claimed invention.

Similarly, neither *Kubicky* nor *Hansen* discloses continuous posts. *Kubicky*, like *Hubbell*, discloses a discontinuous, jointed structure that also teaches away from the continuous structure of the present invention. Although *Kubicky* does disclose the use of recycled rubber in the core of the invention, it does not disclose or suggest that it is a universal substitute for rubber generally, or that it has utility in a continuous structure used for a sign post, as claimed. In short, *Kubicky* does not supply the limitations of the claimed invention missing from *Hubbell*. Indeed, like *Hubbell, Kubicky* discloses a jointed structure and therefore teaches away from the present invention. There simply is no motivation in either *Hubbell* or *Kubicky* to combine them to obtain Applicant's invention. Indeed, combining the two results in a jointed or otherwise discontinuous structure, which Applicant's invention intends to avoid.

Hansen, in contrast to the present invention, involves forming a post-like structure (¶ 0035) by winding strips (¶ 0036) formed from old tires in a spiral fashion about a mandrel (¶ 0037). This intentionally and inherently introduces discontinuity, both radially or cross-sectionally (in the joints between layers of rubber), and axially or along the length of the post (at the gaps between adjacent strips and their ends) (*see* ¶ 0038). There is nothing continuous about the structure disclosed by *Hansen*. The construction

disclosed by *Hansen* is fraught with opportunities for separation between adjacent layers of rubber and the joints between successive strips of rubber, which must be bonded together by "resins, polymers, nails or the like" (*see* ¶ 0038). Each adjacent layer or strip is a discontinuity both physically in the material of the "core" and in a material or mechanical property sense. Thus, Hansen cannot be combined with the other "discontinuous" references of record to obtain applicant's claimed continuous structure.

In view of the arguments, Applicant respectfully solicits reconsideration and allowance of all claims.

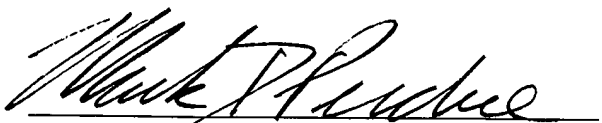
Applicant has now made an earnest attempt to place this application in condition for allowance, or in better condition for appeal. Therefore, Applicant respectfully requests, for the reasons set forth herein and for other reasons clearly apparent, allowance of all pending claims so that the application may be passed to issue.

If the Examiner has any questions or desires clarification of any sort, or deems that any further amendment is desirable to place this application in condition for allowance, the Examiner is invited to telephone the undersigned at the number listed below.

Applicant believes no fee is due for the filing of this amendment and response. If this is incorrect, the Commissioner is hereby authorized to charge any fee or credit any overpayment to Deposit Account No. 50-2180.

Respectfully submitted,

Date: December 6, 2005



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